



## UNITED STATES PATENT AND TRADEMARK OFFICE



10/623,682  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 07/21/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_

2. Abstract:  
 A. Not presented on a separate sheet. 37 CFR 1.72.  
 B. Other \_\_\_\_\_

3. Amendments to the drawings: \_\_\_\_\_

4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all claims (including withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: Claims 1-7 are "canceled" and claims 8-20 are "original."

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an **Advisory Action**. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Nedra Nelson  
Legal Instruments Examiner (LIE)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph A. King

Attorney file: 5783

Serial No.: 10/623,682

Examiner: Tsoy, Elena

Filed: 07/21/2003

Group: 1762

For: DELIVERY SYSTEM AND METHOD OF MAKING ARTICLE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on APRIL 27, 2004 by applicant's attorney, Carl L. Johnson.

Carl L. Johnson  
Carl L. Johnson

April 27, 2004  
Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE'S NOTICE  
OF NON-COMPLIANT UNDER RULE 37 C.F.R. 1.121**

Sir:

**REMARKS**

In the Office Action dated April 1, 2004, the Office issued a Notice of Non-Compliant Amendment under RULE 37 C.F.R. 1.121 because a complete listing of all of the claims with each claim having the proper status identifier was not presented in the Applicant's Preliminary Amendment for the above-identified patent application. In response to the Office's Notice of Non-Compliant Amendment, the Applicant has enclose a complete listing of all of the claims for the above-identified patent application with each of the claims being provided with the proper status identifier. In view of the aforementioned, it is respectfully submitted that the Applicant's amendment to the above-identified patent application now meets the requirement of RULE 37 C.F.R. 1.121.